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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee*

Rapporteur: Mr. Suljuk Mustansar **Tarar** (Pakistan)

I. Introduction

1. At its 2nd plenary meeting, on 21 September 2012, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-seventh session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives", and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-item 69 (b), "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", at its 22nd to 27th, 29th, 31st, 34th and 35th meetings, on 24 and 25 October and on 2, 5, 6 and 8 November 2012, and considered proposals and took action on sub-item 69 (c) at its 38th, 43rd, 45th and 46th meetings, on 15, 26 and 27 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/67/SR.22-27, 29, 31, 34, 35, 38, 43, 45 and 46).

3. For the documents before the Committee under this sub-item, see A/67/457.

4. At the 22nd meeting, on 24 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of Suriname, Liechtenstein, Chile, the European Union, Malaysia, the Russian Federation, Algeria, Costa Rica, China, Kazakhstan, the Syrian Arab Republic, Pakistan, Morocco, Norway, Switzerland, the United States of America, Cameroon (on behalf of the Group of African States), Tunisia, the United Kingdom of Great Britain and Northern Ireland, South Africa, Cuba, Bangladesh, the Islamic

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Republic of Iran, Belarus, Eritrea and Angola, and with the observer for Palestine (see A/C.3/67/SR.22).

5. At the 23rd meeting, on 24 October, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran made a presentation and engaged in a dialogue with the representatives of the Islamic Republic of Iran, Maldives, China, Canada, Norway, the European Union, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Czech Republic, Brazil and Switzerland (see A/C.3/67/SR.23).

6. At the 24th meeting, on 25 October, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 made a presentation and engaged in a dialogue with the representatives of Malaysia, the European Union, Norway, Senegal, Egypt, Maldives, the Syrian Arab Republic and the Islamic Republic of Iran, and with the observer for Palestine (see A/C.3/67/SR.24).

7. At the 25th meeting, on 25 October, the Special Rapporteur on the situation of human rights in Myanmar made a presentation and engaged in a dialogue with the representatives of Myanmar, Malaysia, the European Union, the Republic of Korea, Canada, Indonesia, Norway, the United States of America, the Czech Republic, Japan, the United Kingdom of Great Britain and Northern Ireland, Thailand, Switzerland and Argentina (see A/C.3/67/SR.25).

8. At the 27th meeting, on 2 November, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a presentation and engaged in a dialogue with the representatives of the European Union, the Republic of Korea, Japan, the Czech Republic, Belarus, the United States of America, the United Kingdom of Great Britain and Northern Ireland, Norway, Switzerland, Canada, Cuba, the Democratic People's Republic of Korea and China (see A/C.3/67/SR.27).

9. At the 29th meeting, on 5 November, the Special Adviser to the Secretary-General introduced the report of the Secretary-General on the situation of human rights in Myanmar. A statement was made by the representative of Myanmar (see A/C.3/67/SR.29).

II. Consideration of proposals

A. Draft resolutions A/C.3/67/L.49 and Rev.1

10. At the 38th meeting, on 15 November, the representative of Cyprus, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution report entitled "Situation of human rights in Myanmar" (A/C.3/67/L.49), which read:

"*The General Assembly*,

"*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and recalling its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 66/230 of 24 December 2011, those of the Commission on Human Rights, and those of the Human Rights Council, the most recent of which is resolution 19/21 of 23 March 2012,

"*Welcoming* the report of the Secretary-General on the situation of human rights in Myanmar and the facilitation by the Government of Myanmar of his visit to the country from 29 April to 1 May 2012 and the visits of his Special Adviser on Myanmar on 13 and 14 June 2012,

"*Welcoming also* the report of the Special Rapporteur on the situation of human rights in Myanmar and the access granted to him during his visit in Myanmar from 30 July to 4 August 2012,

"1. *Welcomes* the positive developments in Myanmar and the stated commitment of the Government of Myanmar to continue the path of political reform, democratization and national reconciliation and the promotion and protection of human rights, recognizing the scale of the reform effort undertaken to date;

"2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within Parliament, civil society and opposition parties, and urges the Government to continue electoral reform and to pursue an inclusive and sustained dialogue with the democratic opposition and political, ethnic and civil society groups and actors, leading to national reconciliation and lasting peace in Myanmar;

"3. *Further welcomes* the efforts by the Government of Myanmar to ensure that the parliamentary by-elections held in Myanmar on 1 April 2012 were well organized and transparent, and is encouraged by the subsequent participation of Daw Aung San Suu Kyi and the National League for Democracy, along with many other political parties, in the Parliament of Myanmar;

"4. *Welcomes* the increasing space for political activity, assembly, speech and the press, including the abolition, on 20 August 2012, of direct press media censorship, and encourages the Government to fulfil its commitment to carry out comprehensive media reform, including to allow for free and independent media and to ensure the safety, security and freedom of human rights defenders to pursue their activities;

"5. *Also welcomes* the continued release of prisoners of conscience during the past year, urges the Government to continue the process of releasing them without delay and without conditions and to ensure the full restoration of their rights and freedoms in line with the recommendations of the Special Rapporteur on the situation of human rights in Myanmar, and, further, recommends that the Government conduct a comprehensive, thorough and inclusive investigation to identify remaining prisoners of conscience;

"6. *Expresses concern* about remaining human rights violations, including arbitrary detention, forced displacement, land confiscations, rape and other forms of sexual violence, and torture and cruel, inhuman and degrading treatment, as well as violations of international humanitarian law, and urges the Government of Myanmar to step up its efforts to put an end to such violations;

"7. *Calls upon* the Government of Myanmar to take necessary measures to ensure accountability and end impunity, including by undertaking a full, transparent and independent investigation into all reports of violations of international human rights and humanitarian law;

"8. *Recommends* that the Government of Myanmar consider ratifying further international instruments in the fields of human rights, labour law, refugee law and humanitarian law;

"9. *Welcomes* the continuing review of legislation to assess its compatibility with international human rights law, the adoption of new laws, including on peaceful protests and labour rights, and the consultation with relevant stakeholders, including civil society and international organizations, on some of the draft laws, and encourages the Government to continue its review, including of new laws, establishing an order of priority to ensure that they are compatible with international standards, while ensuring broad consultation, and to support the implementation of reforms, including at the local level;

"10. *Acknowledges with interest* the activities undertaken by the National Human Rights Commission, including its review of complaints and its conduct of investigative missions, and encourages it to further develop its protection work and engagement with civil society, while recalling the need to ensure the Commission's independent, free, credible and effective functioning in accordance with the Paris Principles;

"11. *Notes with interest* the steps taken to address the need for an independent, impartial and effective judiciary, including steps by the Supreme Court to engage with and seek technical assistance from the international community, and encourages the continuation of efforts in this regard, in line with the Government's own stated intention to strengthen the rule of law in Myanmar;

"12. *Welcomes* the substantial progress made over the past year by the Government of Myanmar in signing initial peace agreements with ten of eleven major ethnic armed groups, as well as the commitment by the Government to ensure an inclusive peace process, and highlights the need for continued coordination and support from donors and partners for technical assistance, capacity-building and empowering civil society, and strongly encourages the establishment of formal political dialogue as part of an inclusive process towards ensuring long-term peace and national reconciliation;

"13. *Expresses deep concern* about the continuing armed conflict in Kachin State and the associated human rights and international humanitarian law violations, and calls upon the Government and all parties to the armed

conflict to take measures to protect the civilian population and for safe, timely, full and unhindered humanitarian access;

"14. *Urges* the Government to accelerate its efforts to address discrimination, human rights violations, violence, displacement and economic deprivation affecting various ethnic minorities and, expressing particular concern about the situation of the Rohingya minority in Rakhine State, urges the Government to take action to bring about an improvement in their situation and to protect all their human rights, including their right to a nationality;

"15. *Expresses its serious concern* at the latest outbreaks of violence between communities in Rakhine State, calls upon all parties to bring an immediate end to the violence, urging the Government, the police and the local gendarmerie to take all necessary actions to protect civilians without delay, notes in this regard the efforts by the Government of Myanmar to end the violence earlier this year and its stated intention to address the issue in line with international standards and urges that expeditious steps be taken in that direction, and calls upon the Government of Myanmar:

"(a) To ensure the safety of populations, release all arbitrarily detained persons, including United Nations staff, and address reports of human rights violations by some authorities;

"(b) To grant safe, timely, full and unhindered humanitarian access across Rakhine State to all persons in need and facilitate the return of individuals to their original communities, and welcomes in this regard the various cooperation agreements between Myanmar authorities and the international community for the distribution of humanitarian aid in Rakhine province;

"(c) To support the restitution of property that was seriously damaged or destroyed and, welcoming the recent establishment of an investigative commission for the recent situation in Rakhine State, ensure a full, transparent and independent investigation of those reports, with the participation of all the affected communities, including the Rohingya, and bring to justice those responsible;

"(d) To adopt short- and long-term measures, taking into account a policy of peaceful integrated coexistence between all communities in Rakhine State;

"16. *Welcomes* the action plan on child soldiers signed by the Government of Myanmar on 27 June 2012 with the United Nations to prevent the recruitment and use of children by the armed forces of Myanmar and providing a time-bound plan for the release and reintegration of children within its ranks, and calls upon the Government to take immediate steps towards ending the recruitment and use of child soldiers by all parties in full collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, and to grant unhindered access to all areas where children are recruited;

"17. *Also welcomes* the agreement between the Government of Myanmar and the International Labour Organization on a joint strategy and the stated

intent of the Government of Myanmar to eliminate all forms of forced labour by 2015;

"18. *Further welcomes* the progress made in the development of some activities by the International Committee of the Red Cross, and urges the Government of Myanmar to allow it to carry out other activities in accordance with its mandate, in particular by granting access to detained persons and to areas of internal armed conflict;

"19. *Welcomes* the dialogue between the Government of Myanmar and the Office of the United Nations High Commissioner for Human Rights, and urges the Government to intensify its cooperation with the Office with a view to continuing and consolidating human rights reform in Myanmar;

"20. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transitional process and its economic and social development;

"21. *Requests* the Secretary-General:

"(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance to the Government in this regard;

"(b) To give all assistance necessary to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully, effectively and in a coordinated manner;

"(c) To report to the General Assembly at its sixty-eighth session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

"22. *Decides* to continue the consideration of the question at its sixty-eighth session, on the basis of the reports of the Secretary-General and the Special Rapporteur."

11. At its 43rd meeting, on 26 November, the Committee had before it a revised draft resolution (A/C.3/67/L.49/Rev.1), submitted by the sponsors of draft resolution A/C.3/67/L.49, joined by Liechtenstein.

12. At the same meeting, the attention of the Committee was drawn to the programme budget implications of draft resolution A/C.3/67/L.49/Rev.1 contained in document A/C.3/67/L.70.

13. Also at its 43rd meeting, the Committee adopted draft resolution A/C.3/67/L.49/Rev.1 (see para. 29, draft resolution I).

14. Before the adoption of the draft resolution, statements were made by the representatives of Cyprus (on behalf of the European Union), Qatar, Senegal and Turkey; after the adoption of the draft resolution, statements were made by the representatives of Myanmar, the United States of America, the Islamic Republic of Iran, Cambodia, Canada, Egypt, Singapore, India, Japan, Indonesia, Cameroon, the

Lao People's Democratic Republic, Australia, China, the Bolivarian Republic of Venezuela, Thailand, the United Arab Emirates (on behalf of the Organization of Islamic Cooperation), Cuba, Israel, the Republic of Korea, Nicaragua, the Plurinational State of Bolivia and Ecuador (see A/C.3/67/SR.43).

B. Draft resolution A/C.3/67/L.50

15. At the 38th meeting, on 15 November, the representative of Cyprus, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, the Netherlands, New Zealand, Norway, Palau, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Vanuatu, introduced a draft resolution entitled "Situation of human rights in the Democratic People's Republic of Korea" (A/C.3/67/L.50). Subsequently, Chile and Nauru joined in sponsoring the draft resolution.

16. At the same meeting, the representative of the Democratic People's Republic of Korea made a statement (see A/C.3/67/SR.38).

17. At the 45th meeting, on 27 November, the representative of Cyprus made a statement on behalf of the European Union (see A/C.3/67/SR.45).

18. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.50 (see para. 29, draft resolution II).

19. Before the adoption of the draft resolution, statements were made by the representatives of the Democratic People's Republic of Korea, China, Cuba, Japan, the Russian Federation, Nigeria, Nicaragua, the Syrian Arab Republic, the Bolivarian Republic of Venezuela and the Islamic Republic of Iran; after the adoption of the draft resolution, statements were made by the representatives of the Democratic People's Republic of Korea, Canada, the Lao People's Democratic Republic, Singapore, Brazil, China, Ecuador, the Plurinational State of Bolivia, Cuba and the Bolivarian Republic of Venezuela (see A/C.3/67/SR.45).

C. Draft resolution A/C.3/67/L.51

20. At the 38th meeting, on 15 November, the representative of Canada, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, the Netherlands, New Zealand, Norway, Palau, Panama, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Islamic

Republic of Iran" (A/C.3/67/L.51). Subsequently, Albania joined in sponsoring the draft resolution.

21. At the same meeting, the representative of the Islamic Republic of Iran made a statement (see A/C.3/67/SR.38).

22. At the 45th meeting, on 27 November, statements were made by the representatives of Uruguay, Kazakhstan (on behalf of the Organization of Islamic Cooperation), the Democratic People's Republic of Korea and the Islamic Republic of Iran (see A/C.3/67/SR.45).

23. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.51 by a recorded vote of 83 to 31, with 68 abstentions (see para. 29, draft resolution III). The voting was as follows:[1]

In favour:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Armenia, Bangladesh, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, India, Iran (Islamic Republic of), Kazakhstan, Kuwait, Lebanon, Nicaragua, Oman, Pakistan, Qatar, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Niger, Nigeria, Philippines, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, South Africa, South Sudan, Suriname,

[1] Subsequently, the representative of Somalia indicated that his delegation had intended to vote against.

Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Yemen, Zambia.

24. Before the vote, statements were made by the representatives of the Bolivarian Republic of Venezuela, Cuba, the Syrian Arab Republic, Ecuador, Belarus and Bolivia (Plurinational State of); after the vote, statements were made by the representatives of Indonesia, Brazil, China, Japan and the Niger (see A/C.3/67/SR.45).

D. Draft resolution A/C.3/67/L.52

25. At the 38th meeting, on 15 November, the representative of Qatar, on behalf of Albania, Andorra, Australia, Austria, Bahrain, Belgium, Botswana, Bulgaria, Canada, Colombia, the Comoros, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kuwait, Latvia, Libya, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Morocco, the Netherlands, New Zealand, Norway, Palau, Panama, Poland, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen, introduced a draft resolution entitled "Situation of human rights in the Syrian Arab Republic" (A/C.3/67/L.52). Subsequently, Liechtenstein, Mauritania, Portugal and Vanuatu joined in sponsoring the draft resolution.

26. At the 45th meeting, on 27 November, statements were made by the representatives of Qatar and the Syrian Arab Republic (see A/C.3/67/SR.45).

27. At its 46th meeting, on 27 November, the Committee adopted draft resolution A/C.3/67/L.52 by a recorded vote of 132 to 12, with 35 abstentions (see para. 29, draft resolution IV). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, Solomon Islands, Somalia, South Sudan, Spain, Sudan, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia,

Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Yemen, Zambia.

Against:

Belarus, Bolivia (Plurinational State of), China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Nicaragua, Russian Federation, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Zimbabwe.

Abstaining:

Angola, Armenia, Bhutan, Democratic Republic of the Congo, Ecuador, Eritrea, Fiji, Guyana, India, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Mali, Mozambique, Namibia, Nepal, Nigeria, Pakistan, Philippines, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Tajikistan, Turkmenistan, Uganda, United Republic of Tanzania, Viet Nam.

28. Before the vote, statements were made by the representatives of Nigeria, the Bolivarian Republic of Venezuela, the Islamic Republic of Iran (on behalf of the Non-Aligned Movement), Pakistan and the Democratic People's Republic of Korea; after the vote, statements were made by the representatives of Turkey, Belarus, Israel, Cuba, Ecuador, Jamaica, the Syrian Arab Republic, Brazil, Switzerland and Liechtenstein (see A/C.3/67/SR.46).

III. Recommendations of the Third Committee

29. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant human rights instruments, and recalling its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 66/230 of 24 December 2011, those of the Commission on Human Rights, and those of the Human Rights Council, the most recent of which is resolution 19/21 of 23 March 2012,[3]

Welcoming the report of the Secretary-General on the situation of human rights in Myanmar[4] and the facilitation by the Government of Myanmar of his visit to the country from 29 April to 1 May 2012 and the visit of his Special Adviser on Myanmar on 13 and 14 June 2012,

Welcoming also the report of the Special Rapporteur on the situation of human rights in Myanmar[5] and the access granted to him during his visit in Myanmar from 30 July to 4 August 2012,

1. *Welcomes* the positive developments in Myanmar and the stated commitment of the Government of Myanmar to continue on the path of political reform, democratization and national reconciliation and the promotion and protection of human rights, recognizing the scale of the reform effort undertaken to date;

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within Parliament, civil society and opposition parties, and urges the Government to continue electoral reform and to pursue an inclusive and sustained dialogue with the democratic opposition and political, ethnic and civil society groups and actors, leading to national reconciliation and lasting peace in Myanmar;

3. *Further welcomes* the efforts by the Government of Myanmar to ensure that the parliamentary by-elections held in Myanmar on 1 April 2012 were well organized and transparent, and is encouraged by the subsequent participation of Daw Aung San Suu Kyi and the National League for Democracy, along with many other political parties, in the Parliament of Myanmar;

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* (A/67/53), chap. II, sect. A.

[4] A/67/333.

[5] A/67/383.

4. *Welcomes* the increasing space for political activity, assembly, speech and the press, including the abolition, on 20 August 2012, of direct press media censorship, and encourages the Government to fulfil its commitment to carry out comprehensive media reform, including to allow for free and independent media and to ensure the safety, security and freedom of human rights defenders to pursue their activities;

5. *Also welcomes* the continued release of prisoners of conscience during the past year, urges the Government to continue the process of releasing them without delay and without conditions and to ensure the full restoration of their rights and freedoms in line with the recommendations of the Special Rapporteur on the situation of human rights in Myanmar, and, further, recommends that the Government conduct a comprehensive, thorough and inclusive investigation to identify remaining prisoners of conscience;

6. *Expresses concern* about remaining human rights violations, including arbitrary detention, forced displacement, land confiscations, rape and other forms of sexual violence, and torture and cruel, inhuman and degrading treatment, as well as violations of international humanitarian law, and urges the Government of Myanmar to step up its efforts to put an end to such violations;

7. *Calls upon* the Government of Myanmar to take necessary measures to ensure accountability and end impunity, including by undertaking a full, transparent and independent investigation into all reports of violations of international human rights and humanitarian law;

8. *Recommends* that the Government of Myanmar consider ratifying further international instruments in the fields of human rights, labour law, refugee law and humanitarian law;

9. *Welcomes* the continuing review of legislation to assess its compatibility with international human rights law, the adoption of new laws, including on peaceful protests and labour rights, and the consultation with relevant stakeholders, including civil society and international organizations, on some of the draft laws, and encourages the Government to continue its review, including of new laws, establishing an order of priority to ensure that they are compatible with international standards, while ensuring broad consultation, and to support the implementation of reforms, including at the local level;

10. *Acknowledges with interest* the activities undertaken by the National Human Rights Commission, including its review of complaints and its conduct of investigative missions, and encourages it to further develop its protection work and engagement with civil society, while recalling the need to ensure the Commission's independent, free, credible and effective functioning in accordance with the Paris Principles;[6]

11. *Notes with interest* the steps taken to address the need for an independent, impartial and effective judiciary, including steps by the Supreme Court to engage with and seek technical assistance from the international community, and encourages the continuation of efforts in this regard, in line with the Government's own stated intention to strengthen the rule of law in Myanmar;

[6] Resolution 48/134, annex.

12. *Welcomes* the substantial progress made over the past year by the Government of Myanmar in signing initial peace agreements with ten of eleven major ethnic armed groups, as well as the commitment by the Government to ensure an inclusive peace process, highlights the need for continued coordination and support from donors and partners for technical assistance, capacity-building and empowering civil society, and strongly encourages the establishment of formal political dialogue as part of an inclusive process towards ensuring long-term peace and national reconciliation;

13. *Expresses deep concern* about the continuing armed conflict in Kachin State and the associated human rights and international humanitarian law violations, and calls upon the Government and all parties to the armed conflict to take measures to protect the civilian population and for safe, timely, full and unhindered humanitarian access;

14. *Urges* the Government to accelerate its efforts to address discrimination, human rights violations, violence, displacement and economic deprivation affecting various ethnic minorities and, expressing particular concern about the situation of the Rohingya minority in Rakhine State, urges the Government to take action to bring about an improvement in their situation and to protect all their human rights, including their right to a nationality;

15. *Expresses its serious concern* at the latest outbreaks of violence between communities in Rakhine State, calls upon all parties to bring an immediate end to the violence, urging the Government, the police and the local gendarmerie to take all necessary actions to protect civilians without delay, notes in this regard the efforts by the Government of Myanmar to end the violence earlier in 2012 and its stated intention to address the issue in line with international standards and urges that expeditious steps be taken in that direction, and calls upon the Government of Myanmar:

(a) To ensure the safety of populations, release all arbitrarily detained persons, including United Nations staff, and address reports of human rights violations by some authorities;

(b) To grant safe, timely, full and unhindered humanitarian access across Rakhine State to all persons in need and facilitate the return of individuals to their original communities, and welcomes in this regard the various cooperation agreements between Myanmar authorities and the international community for the distribution of humanitarian aid in Rakhine State;

(c) To support restitution for property that was seriously damaged or destroyed and, welcoming the recent establishment of an investigative commission for the recent situation in Rakhine State, ensure a full, transparent and independent investigation of those reports, with the participation of all the affected communities, including the Rohingya, and bring to justice those responsible;

(d) To resolve the issue by adopting short- and long-term measures, taking into account a policy of integration, reconciliation and peaceful coexistence between all communities in Rakhine State;

16. *Welcomes* the action plan on child soldiers signed by the Government of Myanmar on 27 June 2012 with the United Nations to prevent the recruitment and use of children by the armed forces of Myanmar and providing a time-bound plan

for the release and reintegration of children within their ranks, and calls upon the Government to take immediate steps towards ending the recruitment and use of child soldiers by all parties in full collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, and to grant unhindered access to all areas where children are recruited;

17. *Also welcomes* the agreement between the Government of Myanmar and the International Labour Organization on a joint strategy and the stated intent of the Government of Myanmar to eliminate all forms of forced labour by 2015;

18. *Further welcomes* the progress made in the development of some activities by the International Committee of the Red Cross, and urges the Government of Myanmar to allow it to carry out other activities in accordance with its mandate, in particular by granting access to detained persons and to areas of internal armed conflict;

19. *Welcomes* the dialogue between the Government of Myanmar and the Office of the United Nations High Commissioner for Human Rights, and urges the Government to intensify its cooperation with the Office with a view to continuing and consolidating human rights reform in Myanmar;

20. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transitional process and its economic and social development;

21. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance to the Government in this regard;

(b) To give all assistance necessary to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully, effectively and in a coordinated manner;

(c) To report to the General Assembly at its sixty-eighth session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

22. *Decides* to remain seized of the matter on the basis of the reports of the Secretary-General and the Special Rapporteur.

Draft resolution II
Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Acknowledging the participation of the Democratic People's Republic of Korea in the universal periodic review process, expressing serious concern at the continued refusal of the Government of the Democratic People's Republic of Korea to articulate its position as to which recommendations included in the outcome report of its universal periodic review,[4] adopted in March 2010, enjoy its support, and regretting the continuing lack of action by the Democratic People's Republic of Korea to implement the recommendations contained in the report,

Recalling the concluding observations of the treaty-monitoring bodies under the four treaties to which the Democratic People's Republic of Korea is a party,

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

Noting the decision on the resumption, on a modest scale, of the activities of the United Nations Development Programme in the Democratic People's Republic of Korea, and encouraging the engagement of the Government with the international community to ensure that the programmes benefit the persons in need of assistance,

Noting also the cooperation established between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations for the purpose of conducting a rapid crop and food security assessment and national nutritional survey in the country, as well as the letter of understanding signed with the World Food Programme, recognizing limited improvements in access by the World Food Programme, and emphasizing the importance of providing further access to all United Nations entities,

Recalling its resolutions 60/173 of 16 December 2005, 61/174 of 19 December 2006, 62/167 of 18 December 2007, 63/190 of 18 December 2008, 64/175 of

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[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.
[4] A/HRC/13/13.

18 December 2009, 65/225 of 21 December 2010 and 66/174 of 19 December 2011, Commission on Human Rights resolutions 2003/10 of 16 April 2003,[5] 2004/13 of 15 April 2004[6] and 2005/11 of 14 April 2005,[7] Human Rights Council decision 1/102 of 30 June 2006[8] and Council resolutions 7/15 of 27 March 2008,[9] 10/16 of 26 March 2009,[10] 13/14 of 25 March 2010,[11] 16/8 of 24 March 2011[12] and 19/13 of 22 March 2012,[13] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[14] regretting that he still has not been allowed to visit the country and that he received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 66/174,[15]

Noting the importance of the inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the country,

Noting with regret that the reunion of separated families across the border, which is an urgent humanitarian concern of the entire Korean people, has been halted, and hoping that it will be resumed as early as possible and that necessary arrangements for further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

Deeply concerned at the significant persistent deterioration of the human rights situation in the Democratic People's Republic of Korea despite the succession of leadership,

1. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of

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[5] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[7] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[8] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II, sect. B.

[9] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[10] Ibid., *Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[11] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. II, sect. A.

[12] Ibid., *Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

[13] Ibid., *Sixty-seventh Session, Supplement No. 53* (A/67/53), chap. III, sect. A.

[14] A/67/370.

[15] A/67/362.

the death penalty for political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour;

(ii) The existence of a large number of prison camps, where serious violations of human rights are perpetrated;

(iii) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[16] and the 1967 Protocol thereto[17] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(v) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families, and the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for persons belonging to particularly exposed groups, inter alia, women, children and the elderly;

(vii) Continuing violations of the human rights and fundamental freedoms of women, in particular the creation of internal conditions that force women to leave the country and risk falling victim to trafficking for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination, including in the economic sphere, and gender-based violence and continuing impunity for such violence;

(viii) Continuing reports of violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated

[16] United Nations, *Treaty Series*, vol. 189, No. 2545.
[17] Ibid., vol. 606, No. 8791.

children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially in the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children, while acknowledging that there has been some minor progress for persons with disabilities;

(x) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[1] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[2]

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him, despite the renewal of the mandate by the Human Rights Council in its resolutions 7/15,[9] 10/16,[10] 13/14,[11] 16/8[12] and 19/13;[13]

(c) The continued refusal of the Government of the Democratic People's Republic of Korea to articulate which recommendations enjoyed its support following its universal periodic review by the Human Rights Council or to express its commitment to their implementation, and expresses its serious concern at the lack of actions taken to date to implement the recommendations contained in the final outcome;[4]

2. *Underscores its very serious concern* at unresolved questions of international concern relating to abductions in the form of enforced disappearance, which violates the human rights of nationals of other sovereign countries, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees;

3. *Expresses its very deep concern* at the precarious humanitarian situation, including a serious deterioration in the availability of and access to food, in the country, partly as a result of frequent natural disasters, compounded by structural weaknesses in agricultural production resulting in significant shortages of food, and the increasing State restrictions on the cultivation and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups, pregnant women, infants and children and the elderly, which, despite some progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating where necessary with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

4. *Commends* the Special Rapporteur for the activities undertaken so far and for his continued efforts in the conduct of his mandate despite the denial of access;

5. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Human Rights Council in the context of the universal periodic review and the United Nations special procedures and treaty bodies;

(b) To protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary;

(c) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims, and to ensure that citizens of the Democratic People's Republic of Korea expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are humanely treated and are not subjected to any kind of punishment;

(d) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(e) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country, and strive to implement the recommendations made in the universal periodic review by the Human Rights Council;

(f) To engage in cooperation with the International Labour Organization;

(g) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(h) To ensure full, safe and unhindered access to humanitarian aid and take measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, as it pledged to do, and to ensure access to adequate food and implement more effective food security policies, including through sustainable agriculture, sound food production distribution measures and by allocating more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(i) To improve cooperation with the United Nations country team and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including accelerating progress towards the achievement of the Millennium Development Goals, in accordance with international monitoring and evaluation procedures;

(j) To consider ratifying and acceding to remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies;

6. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-eighth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and requests the Special Rapporteur to continue to report his findings and recommendations.

Draft resolution III
Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 66/175 of 19 December 2011,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 66/175,[3] in which he notes that he is deeply troubled by the fact that human rights violations continue in the Islamic Republic of Iran, and the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran[4] submitted pursuant to Human Rights Council resolution 16/9 of 24 March 2011,[5] which provides a deeply troubling picture of the overall human rights situation in the Islamic Republic of Iran and catalogues reports of a wide range of human rights violations, many of them systematic;

2. *Expresses deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing alarming high frequency of the carrying-out of the death penalty in the absence of internationally recognized safeguards, including an increase in the number of public executions, notwithstanding the issuance of a circular by the former head of the judiciary prohibiting public executions, and secret group executions, as well as reports of executions undertaken without the notification of the prisoner's family members or legal counsel;

(c) The failure to abolish the execution of minors and persons who at the time of their offence were under the age of eighteen, in violation of the obligations of the Islamic Republic of Iran under the Convention on the Rights of the Child[6] and the International Covenant on Civil and Political Rights;[2]

(d) The imposition of the death penalty for crimes that lack a precise and explicit definition, including *moharebeh* (enmity against God), and/or for crimes that do not qualify as the most serious crimes, in violation of international law;

(e) The practice of suspension strangulation as a method of execution, and the fact that persons in prison continue to face sentences of execution by stoning,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/67/327.
[4] See A/67/369.
[5] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.
[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.

notwithstanding the issuance of a circular by the former head of the judiciary prohibiting stoning;

(f) Ongoing, systematic, widespread and serious restrictions on freedom of peaceful assembly and association and freedom of opinion and expression, including through efforts to block or filter Internet content, restrict access to foreign e-mail services and a variety of websites, jam international satellite transmission into the Islamic Republic of Iran, censor or close newspapers, magazines and other publications, and cut access to communications and information;

(g) The increasing and systematic targeting of human rights defenders, including, but not restricted to, lawyers, journalists, including intimidation of families of independent journalists from Persian-speaking media, and other media representatives, Internet providers, bloggers and netizens, who endure intimidation, interrogation, arrest, arbitrary detention, long-term exile and/or harsh sentences, including death sentences, as a result of their activities, and noting in particular the upholding of prison sentences against staff members of the Defenders of Human Rights Centre;

(h) Pervasive gender inequality and violence against women, a continued crackdown on women's human rights defenders, arrests, violent repression and sentencing of women exercising their right to peaceful assembly, and increased discrimination against women and girls in law and in practice, including by limiting access to higher education, including the closure of seventy-seven fields of study to women by thirty-six universities;

(i) Continued discrimination and other human rights violations, at times amounting to persecution, against persons belonging to ethnic, linguistic or other minorities, including Arabs, Azeris, Baluchis and Kurds and their defenders, and noting in particular reports of the violent suppression and detention of ethnic Arabs and Azeris, the violent repression of environmental protests in Azeri territory and the high rate of executions of persons belonging to minority groups, including the recent secret group execution of members of the Ahwazi Arab minority;

(j) Increased persecution and human rights violations against persons belonging to recognized religious minorities, including Christians, Jews, Sufi Muslims, Sunni Muslims and Zoroastrians and their defenders, and noting in particular the widespread arrest and detention of Sufi Muslims and evangelical Christians, including the continued detention of Christian pastors;

(k) Increased persecution and human rights violations against persons belonging to unrecognized religious minorities, particularly members of the Baha'i faith and their defenders, including escalating attacks, an increase in the number of arrests and detentions, the restriction of access to higher education on the basis of religion, the sentencing of twelve Baha'is associated with Baha'i educational institutions to lengthy prison terms, the continued denial of access to employment in the public sector, additional restrictions on participation in the private sector, and the de facto criminalization of membership in the Baha'i faith;

(l) The continued and sustained house arrest of leading opposition figures from the 2009 presidential elections, as well as restrictions on their supporters and family members, including through harassment and intimidation;

(m) Ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, including arbitrary arrest, indefinite detention and lengthy jail sentences, for those exercising this right, and restrictions on the building of, as well as attacks against, places of worship and burial;

(n) Persistent failure to uphold due process of law, and violations of the rights of detainees, including the widespread and systematic use of arbitrary detention and enforced disappearance, the lack of access of detainees to legal representation of their choice, the refusal to consider granting bail to detainees, the poor conditions of prisons, including the serious overcrowding and poor level of sanitation, and the denial of access to medical treatment, as well as persistent reports of detainees dying in custody, being subjected to torture, rape and other forms of sexual violence, harsh interrogation techniques and the use of pressure exerted upon their relatives and dependants, including through arrest, to obtain false confessions that are then used at trials;

(o) Continuing arbitrary or unlawful interference by State authorities with the privacy of individuals, in particular in relation to private homes, and with their correspondence, including telephone and e-mail communications, in violation of international law;

3. *Expresses particular concern* at the failure of the Government of the Islamic Republic of Iran to conduct comprehensive investigations or to launch an accountability process in response to cases of serious human rights violations involving the Iranian judiciary and security agencies and to the widespread violations at Kahrizak prison and elsewhere during the period following the presidential elections of 2009, and reiterates its call upon the Government to launch a process of credible, independent and impartial investigations into reports of human rights violations and to end impunity for such violations;

4. *Expresses concern* over the restrictions placed on candidates in the 2012 parliamentary elections, in particular the restrictions on the eligibility and activities of candidates;

5. *Notes* the steps taken to release and pardon a number of political prisoners and prisoners of conscience, and continues to call upon the Government of the Islamic Republic of Iran to immediately and unconditionally release all those who have been arbitrarily arrested and detained for simply exercising their right to peaceful assembly and participating in peaceful protests about political, economic, environmental or other issues, including the conduct and results of the 2009 presidential elections;

6. *Strongly urges* the Government of the Islamic Republic of Iran to ensure free, fair, transparent and inclusive presidential elections in 2013 that reflect the will of the people and are consistent with the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights and all other relevant human rights instruments to which the State is a party, and calls upon the Government to allow independent observation, including by civil society and candidates, of the electoral process and to allow independent local and international experts and journalists to freely observe and report on the elections as well as subsequent political developments;

7. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging, blinding and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To further revisit the revised Islamic Penal Code to make it consistent with its obligation, under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights, to abolish executions of minors and persons who at the time of their offence were under the age of eighteen;

(d) To abolish the use of stoning and suspension strangulation as methods of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise;

(g) To eliminate discrimination against, and exclusion of, women and members of certain groups, including members of the Baloch community and members of the Baha'i faith, regarding access to higher education, and to eliminate the criminalization of efforts to provide higher education to Baha'i youth denied access to Iranian universities;

(h) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[7] in which he recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community, to release the seven Baha'i leaders held since 2008, and to accord all Baha'is, including those imprisoned because of their beliefs, the due process of law and the rights that they are constitutionally guaranteed;

(i) To end the harassment, intimidation and persecution of political opponents, human rights defenders, labour leaders, students, academics, filmmakers, journalists, other media representatives, bloggers, clerics, artists and lawyers, including by releasing persons detained arbitrarily or on the basis of their political views;

(j) To end restrictions placed on Internet users and Internet providers that violate the rights to freedom of expression, association and privacy;

(k) To end restrictions on the press and media representatives, including the selective jamming of satellite broadcasts;

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[7] E/CN.4/1996/95/Add.2.

(l) To uphold, in law and in practice, procedural guarantees to ensure due process of law;

8. *Also calls upon* the Government of the Islamic Republic of Iran to strengthen its national human rights institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles");[8]

9. *Takes note* of the recent engagement by the Islamic Republic of Iran with the Human Rights Committee, including the submission of its first periodic report in more than 17 years, and calls upon the Government of the Islamic Republic of Iran to consider acting upon the concluding observations adopted by the Committee;

10. *Calls upon* the Government of the Islamic Republic of Iran to effectively implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations it may have made upon signature or ratification of other international human rights instruments where such reservations are overly general, imprecise or could be considered incompatible with the object and purpose of the treaty, to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party, and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

11. *Urges* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and other international human rights mechanisms, including by allowing the Special Rapporteur unfettered access to the country to carry out his mandate;

12. *Encourages* the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

13. *Expresses deep concern* that, despite the standing invitation issued by the Islamic Republic of Iran to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in seven years and has left unanswered the vast majority of the numerous and repeated communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations can be conducted;

14. *Strongly encourages* the Government of the Islamic Republic of Iran to seriously consider all of the recommendations put forward at its universal periodic review by the Human Rights Council,[9] with the full and genuine participation of civil society and other stakeholders;

15. *Strongly encourages* the thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special

[8] Resolution 48/134, annex.

[9] See A/HRC/14/12.

Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the right to education, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Independent Expert on minority issues, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Discrimination against Women in Law and in Practice;

16. *Requests* the Secretary-General to report to the General Assembly at its sixty-eighth session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its twenty-second session;

17. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-eighth session under the item entitled "Promotion and protection of human rights".

Draft resolution IV
Situation of human rights in the Syrian Arab Republic

The General Assembly,

Guided by the Charter of the United Nations,

Reaffirming the purposes and principles of the Charter, the Universal Declaration of Human Rights[1] and relevant international human rights treaties, including the International Covenants on Human Rights,[2]

Recalling its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012 and 66/253 B of 3 August 2012, Human Rights Council resolutions S-16/1 of 29 April 2011,[3] S-17/1 of 23 August 2011,[3] S-18/1 of 2 December 2011,[4] 19/1 of 1 March 2012,[5] 19/22 of 23 March 2012,[5] S-19/1 of 1 June 2012,[5] 20/22 of 6 July 2012[5] and 21/26 of 28 September 2012,[6] and Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,

Recalling also all resolutions of the League of Arab States relating to the situation in the Syrian Arab Republic, in particular resolution 7523 of 5 September 2012, in which the League expressed its strong condemnation of the continuing violence, murder and heinous crimes committed by the Syrian authorities and the affiliated *shabbiha* militias against Syrian civilians and the use of heavy weapons, including tanks, artillery and warplanes in the bombardment of populated neighbourhoods and villages, as well as arbitrary executions and enforced disappearances, in flagrant violation of human rights and fundamental freedoms, and called upon the Government of the Syrian Arab Republic to cease immediately and completely all forms of killing and violence against the Syrian people,

Welcoming the relevant decisions of the League of Arab States on the developments in respect of the situation in the Syrian Arab Republic,

Welcoming also resolution 2/4-EX (IS) of the Organization of Islamic Cooperation of 15 August 2012 on the situation in the Syrian Arab Republic, in which the Organization called for the immediate implementation of the transitional plan and the development of a peaceful mechanism that would allow the building of a new Syrian State based on pluralism and a democratic and civilian system, where there would be equality on the basis of law, citizenship and fundamental freedoms,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter of the United Nations,

Strongly condemning the shelling as well as the shooting by the Syrian armed forces into neighbouring countries, which led to casualties and injuries of the civilians of those countries as well as of Syrian refugees, and underlining that such

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.

[4] Ibid., *Supplement No. 53B* and corrigendum (A/66/53/Add.2 and Corr.1), chap. II.

[5] Ibid., *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III.A.

[6] Ibid., *Supplement No. 53A* (A/67/53/Add.1), chap. III.

incidents violated international law and highlighted the grave impact of the crisis in the Syrian Arab Republic on the security of its neighbours and on regional peace and stability,

Expressing grave concern at the escalation of violence in the Syrian Arab Republic, in particular the continued widespread and systematic gross violations of human rights and the continued use of heavy weapons and aerial bombardments by the Syrian authorities against the Syrian population, and the failure of the Government of the Syrian Arab Republic to protect its population,

Taking note with concern of the report of the Secretary-General on children and armed conflict,[7] which indicates the occurrence of grave violations against children in the Syrian Arab Republic, that children were among the victims of military operations carried out by Government forces, including the Syrian armed forces, intelligence forces and *shabbiha* militias, and that children as young as nine years of age were victims of killing and maiming, arbitrary arrest, detention, torture and ill-treatment, including sexual violence, and were used as human shields,

Expressing concern at the vulnerable situation of women in this context, including being subjected to discrimination, sexual and physical abuse, violation of their privacy and arbitrary arrest and detention in raids, including to force their male relatives to surrender, and underlining the importance of preventing all sexual violence and violence based on gender,

Deploring the further deterioration of the humanitarian situation and the failure to ensure safe and timely provision of humanitarian assistance to all areas affected by the fighting,

Expressing great concern about the escalating violence causing an influx of Syrian refugees into neighbouring countries and countries of the region,

Expressing its deep concern at the failure to implement the six-point proposal[8] of the former joint special envoy of the United Nations and the League of Arab States, welcoming the appointment of the new joint special representative of the United Nations and the League of Arab States for Syria, and expressing its full support for his efforts towards the peaceful transition to a pluralistic, democratic civil State with equality in citizenship and freedoms,

Recalling the statements made by the United Nations High Commissioner for Human Rights before the Human Rights Council and the Security Council that crimes against humanity are likely to have been committed in the Syrian Arab Republic,

Expressing the urgent need to achieve a cessation of violence and prevent its further escalation and spread,

1. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and the Government-controlled *shabbiha* militias, such as the use of heavy weapons, aerial bombardments and force against civilians, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, interference

[7] A/66/782-S/2012/261.

[8] Security Council resolution 2042 (2012), annex.

with access to medical treatment, torture, sexual violence and ill-treatment, including against children, as well as any human rights abuses by armed opposition groups;

2. *Calls upon* the Syrian authorities to immediately put an end to all human rights violations and attacks against civilians, to protect the population and to fully comply with their obligations under applicable international law, and calls upon all parties to put an end to all forms of violence;

3. *Urges* the Syrian authorities to release immediately all persons arbitrarily detained, including the members of the Syrian Centre for Media and Freedom of Expression, to publish a list of all detention facilities, to ensure that conditions of detention comply with applicable international law and to immediately allow access of independent monitors to all detention facilities;

4. *Stresses its support* for the aspirations of the Syrian people for a peaceful, democratic and pluralistic society, in which there is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds, based on the promotion of universal respect for and observance of human rights and fundamental freedoms;

5. *Welcomes* the report of the independent international commission of inquiry on the Syrian Arab Republic,[9] submitted pursuant to Human Rights Council resolution 19/22, and the recommendations contained therein;

6. *Regrets* the continued non-cooperation of the Government of the Syrian Arab Republic with the commission of inquiry;

7. *Demands* that the Syrian authorities provide the commission of inquiry and individuals working on its behalf immediate, full and unfettered entry and access to all areas of the Syrian Arab Republic, and demands also that all parties cooperate fully with the commission of inquiry in the performance of its mandate;

8. *Encourages* the relevant United Nations bodies to invite the Chair of the commission of inquiry to brief them on the situation of human rights in the Syrian Arab Republic;

9. *Stresses* the importance of ensuring accountability and the need to end impunity and hold to account those responsible for human rights violations, including those violations that may amount to crimes against humanity;

10. *Also stresses* the need to follow up on the report of the commission of inquiry and to conduct an international, transparent, independent and prompt investigation into abuses and violations of international law, with a view to holding to account those responsible for violations and abuses, including those that may amount to crimes against humanity and war crimes, and encourages members of the international community to ensure that there is no impunity for such violations or abuses;

11. *Further stresses* the important role that international justice could play in this regard;

12. *Calls upon* the Syrian authorities to immediately and fully implement the agreed humanitarian response plan, including by granting immediate, safe, full and

[9] A/HRC/21/50.

unimpeded access of humanitarian personnel to all populations in need of assistance, in particular to civilian populations in need of evacuation, as well as safe, full and unimpeded access for affected civilians to humanitarian assistance and services, and also calls upon all parties in the Syrian Arab Republic, in particular the Syrian authorities, to cooperate fully with the United Nations and relevant humanitarian organizations to facilitate the provision of humanitarian assistance;

13. *Strongly condemns* intentional and repeated attacks against medical facilities, personnel and vehicles as well as the use of medical civilian facilities, including hospitals, for armed purposes, and calls for all medical facilities to be free of weapons, including heavy weapons, in accordance with applicable international law;

14. *Expresses grave concern* at the increasing numbers of refugees and internally displaced persons as a result of the ongoing violence, reiterates its appreciation of the significant efforts that have been made by neighbouring countries and the countries of the region to assist those who have fled across the borders of the Syrian Arab Republic as a consequence of the violence, and urges all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, and other donors, to provide urgent and coordinated support to Syrian refugees and their host countries;

15. *Urges* the international community to provide urgent financial support to the host countries to enable them to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

16. *Urges* all donors to provide expeditiously financial support to the Office for the Coordination of Humanitarian Affairs and international humanitarian organizations, as requested in the humanitarian appeals issued by the United Nations system and the host countries, so that they can implement more actively the humanitarian response plan inside the country;

17. *Invites* Member States to provide all support to the Syrian people, and encourages Member States to contribute to the United Nations humanitarian response efforts.